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Company, and Disney Enterprises, Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOHN WILLIAM KAIPO ENOS, an  
individual and JOHNSON  
ENTERTAINMENT, LLC, a Native  
Hawaii limited liability company,

Plaintiffs,

v.

THE WALT DISNEY COMPANY, a  
Delaware corporation; DISNEY  
ENTERPRISES, INC., a Delaware  
corporation; and DOES 1-10, inclusive,

Defendants.

CASE NO. 2:23-cv-05790-DSF-AGR<sub>x</sub>

Hon. Dale S. Fischer

**DECLARATION OF FABIOLA  
GARZA VILLALOBOS IN  
SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

Date: April 7, 2025  
Time: 1:30 p.m.  
Courtroom: 7D (First Street  
Courthouse)

Complaint filed: July 18, 2023  
FAC Filed: November 22, 2023  
Trial Date: July 29, 2025

1 I, Fabiola Garza Villalobos, declare as follows:

2 1. I am over the age of 18 and have personal knowledge of the following  
3 facts and could competently testify to these facts if called upon to do so.

4 2. For all the relevant time periods herein, I worked as a character artist  
5 in the Disney Design Group at The Walt Disney Company in Orlando, Florida.

6 3. In or around August of 2015, I met with others on the Disney Design  
7 Group team to discuss the creation of a new “friend” of Duffy, which was to be a  
8 turtle, geared towards the Disney Aulani Resort in Hawaii. Based on my  
9 recollection and review of documents, I believe Eric Caszatt, Maria Stuckey, and  
10 Paola Gutierrez, attended this meeting. I can’t recall whether another character  
11 artist, Ron Cohee, attended this meeting, though I do recall his early involvement  
12 in the project.

13 4. Following the meeting, Maria Stuckey, Ron Cohee, and myself were  
14 tasked with developing initial concepts and artwork for the new Aulani Duffy  
15 friend, which would ultimately become ‘Olu Mel.<sup>1</sup> We each created a few initial  
16 sketches as a baseline for what the turtle could look like.

17 5. I knew that Disney had created several turtle characters in the past.  
18 So, before I began sketching, I looked up the first ones that came to mind: the  
19 turtles from “Tortoise and the Hare,” “Finding Nemo,” and “Robin Hood.” I  
20 began by sketching ‘Olu Mel based on the proportions of those turtles, including a  
21 longer neck, and pointier, beak-like nose. A true and correct copy of the pages of  
22 my sketchbook containing some of my earliest drawings of ‘Olu Mel were  
23 produced as TWDC-OLU0001030-1031, and are attached hereto as **Exhibit 1**.

24 They appear as follows:

25

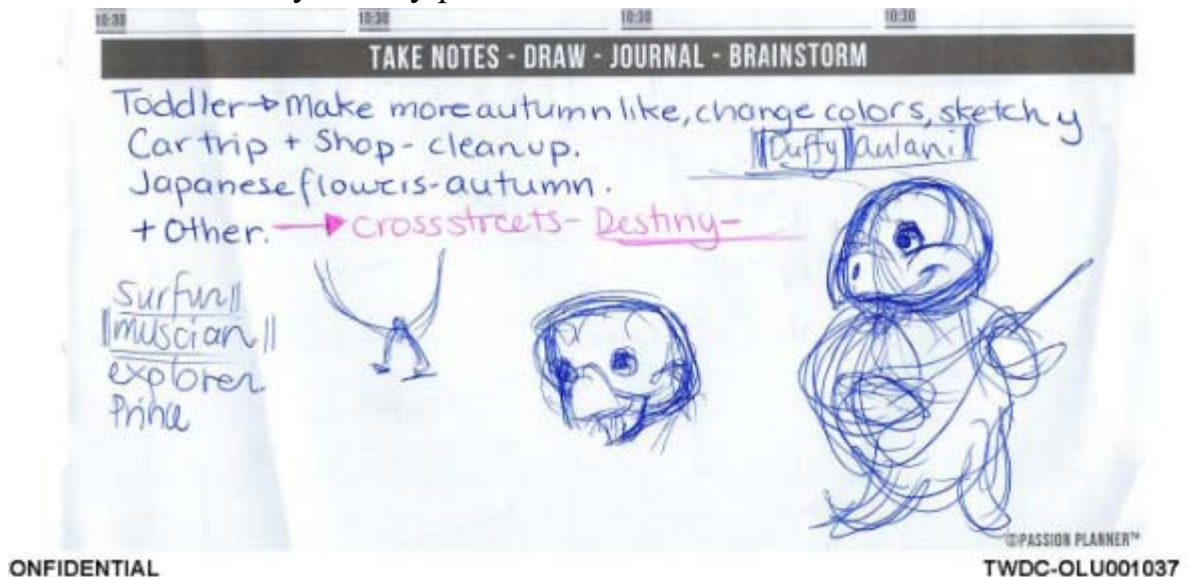
26

27 <sup>1</sup> Although he wasn’t named yet, for ease of reference, I’ll refer to him as ‘Olu Mel  
in this declaration.

28



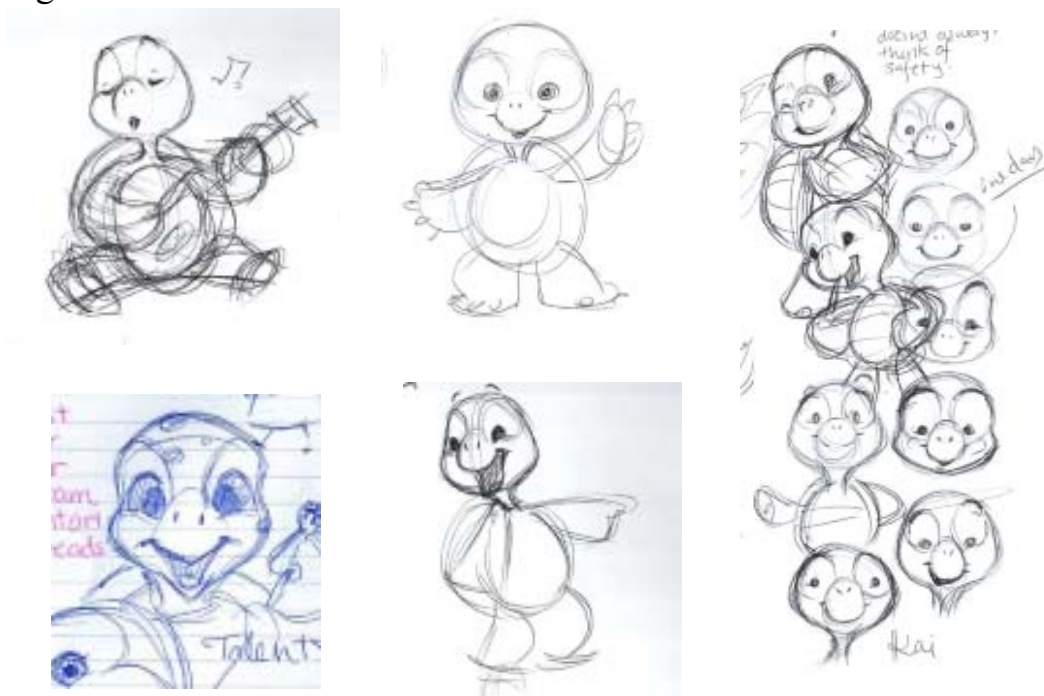
6. Once I felt more comfortable with the general cartoon turtle shape, I began drawing 'Olu Mel in a way that more closely resembled my personal style. For example, during the week of August 30, 2015 I sketched the following turtle on the bottom of my weekly planner:



A true and correct copy of this page of my weekly planner, which was produced as TWDC-OLU001037, is attached hereto as **Exhibit 2**.

7. As a part of the design process, we were also tasked with developing initial character traits and concepts for 'Olu Mel. Each of Duffy's "friends" had their own hobby, skill, or characteristic that defined them. On the left hand side of my planner, I brainstormed different characteristics for 'Olu Mel: surfer, musician, explorer, and prince. Since there was already a Duffy & Friends character who was a painter, we thought music would be a good complementary skill. So, I drew the turtle character on the bottom of my planner holding a ukulele.

8. Attached hereto as **Exhibit 3** are true and correct copies of select pages from my sketchbook, produced in this litigation as TWDC-OLU001032-36. These pages contain a few of my other early sketches of 'Olu Mel, including the following:



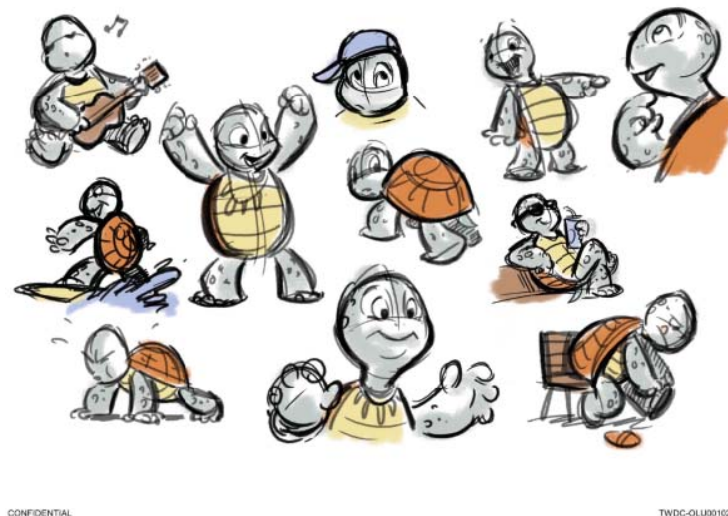
9. At some point in the late summer or fall of 2015, Maria, Ron and I met to review each other's sketches and initial concepts. We each took a slightly different approach. A true and correct copy of pages from Maria's sketchbook,

produced as TWDC-OLU001043 and 1046, are attached hereto as **Exhibit 4**.

Some examples of Maria's early sketches from those pages are as follows:



A true and correct copy of pages Ron's early sketches, produced as TWDC-OLU001029, are attached hereto as **Exhibit 5**. Here are some examples of Ron's early sketches:





10. At some point thereafter, my then supervisor, Eric Caszatt, tasked me with creating the final design for 'Olu Mel. I started conceptualizing 'Olu Mel in color. By December 2015, I had created the following image:



A true and correct copy of this image was contained in the document produced as TWDC-OLU000045-46 and is attached hereto as **Exhibit 6**.

11. From there, I moved the drawing into Photoshop, to create a more polished, cartoon-style character. By February of 2016, I had created the following images of 'Olu Mel, the blue-eyed turtle, surfing and playing the ukulele. A true and correct copy of this image was contained in the document produced as TWDC-OLU001051, and is attached hereto as **Exhibit 7**:



1           12. At this point, Eric Caszatt conveyed that ‘Olu Mel needed to look  
2 more like Duffy and the rest of his friends, so that he would better fit into that  
3 group. I looked at Duffy’s proportions, and copied them, including by rounding  
4 ‘Olu Mel’s head, and making his eyes smaller and more button-like. I also  
5 changed his coloring slightly, to make him lighter and more pastel, which better fit  
6 within the Duffy & Friends coloring. By June 3, 2016, ‘Olu Mel looked like this:



7  
8  
9  
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12  
13  
14 A true and correct copy of this image was contained in the document produced as  
15 TWDC- OLU000089-90, and is attached hereto as **Exhibit 8**.

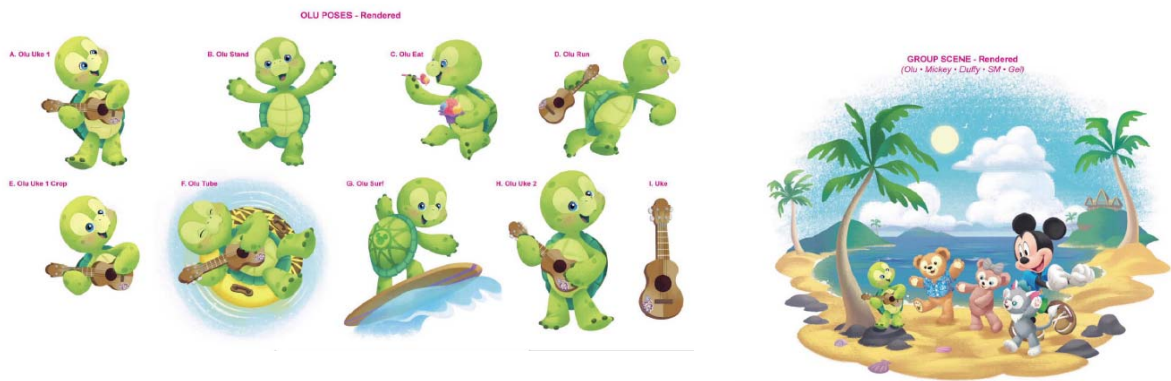
16           13. At this point, I thought ‘Olu Mel looked like he could belong in the  
17 Duffy & Friends world. I made a few additional tweaks, namely, I incorporated  
18 the Mickey Mouse silhouette into his face, added the hidden Mickey in the spots  
19 on his left leg, and softened his coloring slightly. By August 2016, ‘Olu Mel was  
20 basically in his final form:



1 A true and correct copy of this image was contained in the document produced as  
2 TWDC- OLU000099-100, and is attached hereto as **Exhibit 9**.

3 14. Duffy & Friends are all plush; they are intended to be teddy bears and  
4 other plush animals. Therefore, they are supposed to look like plush animals, not  
5 real animals.

6 15. Once 'Olu Mel's appearance was finalized, I created images of him in  
7 a variety of different poses. For example, by January 2017, I had created an image  
8 of 'Olu Mel with his arms raised; of him playing the ukulele standing up leaning  
9 left, and leaning right; playing the ukulele laying down; running and carrying his  
10 ukulele; eating Hawaiian ice; and surfing; and an image of him with Mickey  
11 Mouse and the other Duffy & Friends characters:



19 A true and correct copy of this image was contained in the document produced as  
20 TWDC- OLU000276-291, and is attached hereto as **Exhibit 10**.

21 16. 'Olu Mel was released in 2018. Since then, I have created additional  
22 images of 'Olu Mel in a variety of poses, and doing other activities.

23 17. I understand that this litigation was initiated by Johnson William  
24 Kaipo Enos, and his company Johnson Entertainment, LLC. I had never heard of  
25 either Mr. Enos or his company prior to this lawsuit.

26 18. I had also never heard of Mr. Enos' turtle, Honu, or his stage show  
27 *Honu by the Sea* prior to this action.



1           19.    The first time I saw Honu or anything about Mr. Enos was after this  
2   lawsuit was filed, and articles were published about the lawsuit. I have never met  
3   Mr. Enos and have never seen the *Honu By the Sea* show.

4           20. During my tenure at the Walt Disney Company, I worked out of the  
5 Orlando, Florida office.

21. I am informed that Mr. Enos says he knew or spoke with a handful of people who work, or previously worked, for the Walt Disney Company, namely, Marilyn Magness, Brad Kaye, Jason Milligan, Shelby Jiggets-Tivony, Steven Davidson, Steve Skoria, John Dennis, and Matt Walker. I have never met or spoken with any of these people. None of them have ever sent me any image of Honu, or any information about Mr. Enos or *Honu by the Sea*. To my knowledge, none of these individuals worked in the Disney Design Group (the group that I worked in) and none had any involvement in the creation of 'Olu Mel.

14           22.     My job as a character artist was mostly limited to drawing new  
15 versions of Disney's existing IP. I generally did not interact with anyone in other  
16 offices.

17 I declare, under penalty of perjury, under the laws of the United States of  
18 America, that the foregoing is true and correct.

19 Executed on this 4 day of February 2025 in Orlando, Florida.

Fabiola Garza  
Fabiola Garza Villalobos